

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

150 East 42nd Street, New York, NY 10017-5639

Tel: 212.490.3000 Fax: 212.490.3038

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Orlando • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Affiliates: Berlin • Cologne • Frankfurt • Mexico City • Munich • Paris*

www.wilsonelser.com

June 24, 2010

**Via Facsimile Under Seal – (718) 613-2446
And Via Federal Express**

RECEIVED
6/28/10
Chambers of
I. Leo Glasser
U.S.D.J.

The Honorable I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York, 11201

Re: United States of America v. Felix Sater
Case No. : 98CR1101 (ILG)
Our File No. : 07765.00155

Dear Judge Glasser:

In behalf of non-party respondent Frederick M. Oberlander, I am forwarding the following documents:

- A. The motion for a sealing order filed in the matter of *Kriss, et al. v. Bayrock Group LLC, et al.*
- B. Email from Felix Sater to Josh Bernstein's personal email account on October 3, 2008, which states, albeit ungrammatically, "I am in Russia so am not sure how to influence events with Julius. But I will try. Please remind me on Monday. I will call him and try to get him to allow access for you into Bayrock. Josh you had downloaded all emails on to a hard drive I ask you to get I would like to get that please." I believe that with punctuation, and without typos, the critical sentence would read as follows: "Josh, you had downloaded all emails on to a hard drive [that] I ask[ed] you to get. I would like to get that [back] please."
- C. Cover page of deposition in matter of *Bernstein v. Bayrock Group*, and pages 194-195, wherein Mr. Bernstein testified as follows:
 - Q. Did you ever download portions of the hard drive?
 - A. I believe so.
 - Q. Could you explain that when, how, what did you download, for what purpose?

A. At the direction of Felix Satter I downloaded regularly files from that hard drive and the server.

Q. What drives, what files? ...

Q. What directions did Felix give you as far as --

A. **To keep them offsite** [*i.e.*, in Bernstein's home], an archival copy as much of the server as I could. This was on or about December 17, 2007, I think well before, when he was afraid that the firm was going to screw him, that he wouldn't be able, you know, to make his profits of his half of the ownership of the firm.

Q. And did you follow his instructions?

A. Yes. (Emphasis added).

Additionally, at page 224, Mr. Bernstein testified that he indiscriminately backed up files from December 2007 until the end of his employment in September 2008.

D. Screenshots of the "meta-data" concerning the documents at issue in this proceeding. It has occurred to me that the electronic files of the documents have information as to when exactly they were created. By opening each PDF file, and then clicking on "FILE" and then on "PROPERTIES," I was able to ascertain when exactly these PDF files were created. The screenshots show that the documents were created on a Toshiba e-Studio 352 scanner on December 26th and 27th, 2007; *i.e.*, within days of when Sater instructed Bernstein to archive all of the documents, and obviously well before Mr. Oberlander was retained to represent Mr. Bernstein at his deposition. I have also enclosed a photograph of a Toshiba e-Studio 352 scanner, so that the Court will see that this is not the type of scanner that would ordinarily be kept in one's home.

E. Business Week article by Gary Weiss,¹ dated November 9, 1998, and publicly available to this day on the internet. The article, entitled "The Case of the Gym Bag that Squealed," discusses this very criminal case against Felix Sater, and states, "According to a **sealed** criminal complaint filed with the U.S. District Court in Brooklyn **and obtained by BUSINESS WEEK**, the FBI maintains that the mini-storage document trove sets forth a tale of stock manipulation and money laundering." (Emphasis added) The article continues: "The feds are charging that the stock scheme involves two individuals -- Genady "Gene" Klotsman and Felix Sater -- who they say ran a now defunct micro-cap brokerage, White Rock Partners & Co."

* * *

This last item is obviously the most important. As will be addressed in the further letter briefing on this case, it is Mr. Oberlander's position that his First Amendment rights are as

¹ An internet search reveals that Mr. Weiss is now an independent author of books regarding organized crime and RICO. His titles include: "*Wall Street Versus America: A Muckraking Look at the Thieves, Fakers, and Charlatans Who Are Ripping You Off*," and "*Born to Steal: When the Mafia Hit Wall Street*."

strong, if not stronger, than Business Week's and Mr. Weiss's. Moreover, it is thus Mr. Oberlander's position that, if he is to be subjected to a gag order, or to an order directing the return of the *U.S. v. Sater* complaint and other documents that are purportedly protected by a sealing order (which Mr. Oberlander has never seen), then this Court must also subject Business Week and Mr. Weiss to the same order, directing them to return of the "sealed" complaint, and directing that the article be purged from the Business Week website.

As the Court will recall, at the hearing on June 21st, the Court broadened the scope of the TRO to include the criminal complaint in this matter. Moreover, page 2 of the order to show cause states, "**ORDERED**, that pending said hearing, Messrs. Kriss, Ejekam and Oberlander and ... **all other persons** who have obtained the Sealed and Confidential Materials, are restrained and enjoined from disseminating the Sealed and Confidential Materials or information therein further[.]" (Emphasis added).

It is Mr. Oberlander's position that, by the express terms of the order to show cause, this OTSC must now be directed to Business Week and Mr. Weiss, as they are "other persons who have obtained the Sealed and Confidential Materials." And if the Court is to direct Mr. Oberlander to return such documents, then it must also direct Business Week to remove the aforementioned article from its website. In sum, Mr. Oberlander must be treated equally, and he must be allowed to use the information as he sees fit, in accordance with his First Amendment rights, just as Business Week can. Or Business Week and Mr. Weiss must be questioned just as Mr. Oberlander was.

One would presume that if Business Week and Mr. Weiss came into possession of the "sealed" complaint in the *U.S. v. Sater* matter in 1998, the Court conducted the same type of inquiry that it is now undertaking with respect to Mr. Oberlander. Accordingly, Mr. Oberlander now requests a copy of the complete docket sheet, so that he may ascertain whether there was any motion practice in 1998 against Business Week and Mr. Weiss which may have some collateral-estoppel consequences as to the issues raised herein. If no inquiry was conducted in 1998 as to how Business Week and Mr. Weiss came into possession of the "sealed" complaint, then Mr. Oberlander expects that the Court will now undertake that inquiry. This court should also inquire of the United States Attorney's office whether it leaked the "sealed" complaint to Business Week and Mr. Weiss.

Mr. Oberlander believes that, as these proceedings are not yet closed, it would be appropriate for the court to direct Business Week and Mr. Weiss to testify, just as Mr. Oberlander was directed to testify. Mr. Oberlander believes that they should be made non-party respondents to these proceedings.

These issues will be addressed further in response to Ms. Moore's letter brief to the court.

Respectfully yours,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP


Richard E. Lerner

cc: **Via E-Mail (With All Enclosures)**

Kelly Moore, Esq.
Brian Herman, Esq.
David Snider, Esq.
Thomas W. Hyland, Esq.
Lauren J. Rocklin, Esq.
Stamatios Stamoulis, Esq.
Todd Kaminsky, Esq. – US Attorney's Office
Marshall Miller, Esq. – US Attorney's Office
Frederick M. Oberlander, Esq.



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NY**

JODY KRISS and MICHAEL EJEKAM, directly and derivatively on behalf of
BAYROCK GROUP LLC, BAYROCK SPRING STREET LLC; and
BAYROCK WHITESTONE LLC;

Plaintiffs,

v.

BAYROCK GROUP LLC; TEVFIK ARIF; JULIUS SCHWARZ;
FELIX SATTER; BRIAN HALBERG; SALVATORE LAURIA;
ALEX SALOMON; JERRY WEINRICH; SALOMON & COMPANY PC;
AKERMAN SENTERFITT LLP; MARTIN DOMB; CRAIG BROWN;
DUVAL & STACHENFELD LLP; BRUCE STACHENFELD;
DAVID GRANIN; NIXON PEABODY LLP; ADAM GILBERT;
ROBERTS & HOLLAND LLP; ELLIOT PISEM; MICHAEL SAMUEL;
MEL DOGAN; BAYROCK SPRING STREET LLC; JOHN DOES 1-100;
BAYROCK WHITESTONE LLC; BAYROCK CAMELBACK LLC;
BAYROCK MERRIMAC LLC; BAYROCK GROUP INC.; and
NATIONAL UNION FIRE INSURANCE CO. OF PITTSBURGH, PA.;

Defendants

and

BAYROCK GROUP LLC, BAYROCK SPRING STREET LLC, and
BAYROCK WHITESTONE LLC

Nominal Defendants (Derivative Plaintiffs)

**VERIFIED
COMPLAINT**

**JURY TRIAL
DEMANDED**

ORDER TO SEAL COMPLAINT

The Complaint, and any amendments filed thereto, are ORDERED sealed, not to be disclosed to the public physically or by any other means, electronically or otherwise, until Plaintiffs and Defendants have had opportunity to arrange for permanent orders of redaction and such other protective orders as the presiding judge shall deem just and proper.

March 10, 2010

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NY**

JODY KRISS and MICHAEL EJEKAM, directly and derivatively on behalf of
BAYROCK GROUP LLC, BAYROCK SPRING STREET LLC; and
BAYROCK WHITESTONE LLC;

Plaintiffs,

v.

BAYROCK GROUP LLC; TEVFIK ARIF; JULIUS SCHWARZ;
FELIX SATTER; BRIAN HALBERG; SALVATORE LAURIA;
ALEX SALOMON; JERRY WEINRICH; SALOMON & COMPANY PC;
AKERMAN SENTERFITT LLP; MARTIN DOMB; CRAIG BROWN;
DUVAL & STACHENFELD LLP; BRUCE STACHENFELD;
DAVID GRANIN; NIXON PEABODY LLP; ADAM GILBERT;
ROBERTS & HOLLAND LLP; ELLIOT PISEM; MICHAEL SAMUEL;
MEL DOGAN; BAYROCK SPRING STREET LLC; JOHN DOES 1-100;
BAYROCK WHITESTONE LLC; BAYROCK CAMELBACK LLC;
BAYROCK MERRIMAC LLC; BAYROCK GROUP INC.; and
NATIONAL UNION FIRE INSURANCE CO. OF PITTSBURGH, PA.;

Defendants

and

BAYROCK GROUP LLC, BAYROCK SPRING STREET LLC, and
BAYROCK WHITESTONE LLC

Nominal Defendants (Derivative Plaintiffs)

**VERIFIED
COMPLAINT**

**JURY TRIAL
DEMANDED**

Plaintiffs Jody Kriss ("Kriss") and Michael Ejekam ("Ejekam"), through their counsel, allege:

EX PARTE MOTION TO FILE COMPLAINT UNDER SEAL

Petitioners JODY KRISS and MICHAEL EJEKAM ("Petitioners"), by their undersigned attorney, hereby respectfully submit this *Ex Parte* Motion to File Complaint Under Seal.

NECESSITY OF PRIVACY

The Verified Complaint asserts claims in RICO, 18 USC §1962(c), predicated on a great many acts of financial fraud committed through certain Defendants' operation of Bayrock

Group LLC over many years. The requirements of *Bell Atlantic* fact pleading and this Circuit's standards for Rule 9(b) required extremely detailed allegations of the underlying facts, such allegations not suited for placement in Exhibits. The Complaint contains private and confidential information including the personal tax and financial information of innocent partners in the RICO enterprise and the enterprise itself, also a victim. This is in part a derivative action and the victim enterprise may be caused grave injury by the public disclosure of this information.

Finally, there are emails and other communications for which Defendants may claim privilege. While Plaintiff Kriss has the standing as a member of the relevant limited liability companies to waive any privilege, both by his plenary agency authority and his *Garner* privileges, and Plaintiffs are confident any privilege that might have ever attached was long since waived or vitiated by, *inter alia*, crime fraud exception, nevertheless Defendants should have some opportunity to make arrangements for the redaction of this material.

Consequently, Plaintiffs request this Court order this Complaint, and any amendments thereto, be kept sealed and not disclosed to any person by any means, electronic or otherwise, until such time as both Plaintiffs and Defendants may be able to make arrangements with the presiding judge for the redaction of such private or confidential or possibly privileged material.

APPLICABLE LAW

While there is a presumption of public access to "judicial documents" -- *i.e.*, documents filed with the court that are "relevant to the performance of the judicial function and useful in the judicial process"-- that presumption is rebuttable. *United States v. Amodeo*,

44 F.3d 141, 145 (2d Cir. 1995). The Second Circuit has enumerated the steps a district court must take when deciding whether documents may be removed from public access. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under the Second Circuit's framework, after determining that the papers at issue are, indeed, "judicial documents," the Court must assess the weight to be given to the presumption in favor of public access to such documents. *Id.* at 119. The Court then must balance the competing considerations supporting confidentiality against the presumption of access, which may include, *inter alia*, "the privacy interests of those resisting disclosure." *Id.* at 120 (*quoting Amodeo*, 71 F.3d at 1050) (internal quotation marks omitted).

ARGUMENT

The privacy interests of the Petitioner and Respondent should be accorded greater weight than the rebuttable presumption of open access. The Complaint contain information of a highly confidential and sensitive nature, relating, *e.g.*, to proprietary business matters such as salaries, personal tax information of many individuals and confidential business strategies, the public dissemination of which would be detrimental to both Petitioner and Respondent.

Further, many of the exhibits to the Complaint (as well as the discussion of those exhibits in the Complaint) are subject to confidentiality agreements. When considering whether to seal documents submitted in connection with a confirmation proceeding, the Second Circuit has shown deference to parties' confidentiality agreements. *See, e.g., DiRussa v. Dean Witter Reynolds*, 121 F.3d 818, 825 (2d Cir. 1997) ("sealing the file" where "a confidentiality agreement entered into by the parties during the discovery phase of the arbitration required that the papers ... submitted to the district court be placed under seal.")

c.f. Lugosch, 435 F.3d at 126.

The public release of the confidential information contained in the Complaint and the attendant exhibits potentially could cause serious harm to the future business dealings of both Parties and would be contrary to their reasonable expectations of confidentiality.

WHEREFORE, the Petitioner hereby moves this honorable Court to grant this *Ex Parte* Motion to File the Complaint Under Seal.

Dated: March 10, 2010

Respectfully submitted,

Frederick M. Oberlander
Counsel for Plaintiffs
P.O. Box 1870
Montauk, NY 11954
212.826.0357 Tel.
212.202.7624 Fax
fred55@aol.com



Josh B <joshsemail@gmail.com>

Follow up

Felix Satter <FS@bayrockgroup.com>

Fri, Oct 3, 2008 at 4:12 AM

To: joshsemail@gmail.com

I am in Russia so I am not sure how to influence events with Julius. But I will try. Please remind me on Monday. I will call him and try to get him to allow access for you into Bayrock. Josh you had downloaded all emails on to a hard drive I ask you to get I would like to get that please.

Regarding expenses I did not see the Laguna email. Please resend (what deal was that on?)

I am in Russia and will probably be here for a while so its hard to reach me but despite that I do check my voicemail and have not heard any messages from you. Feel free to call, but please be mindful of time difference.

I have an opportunity regarding Grand Hyatt Moscow if you are interested please call me this weekend to discuss.

I don't want to sound like an asshole, but (I love that usually that's exactly when someones sounds like an asshole), I do not need your help you will not be making me any money, that I can't make more of without you (simply because I don't have to cut anyone in on it, yourself included). I am offering you an opportunity to make money on a deal I have already and will make money on (wether you help or not). If you are not working yet it could be a fast deal and a few sheckels. The only commission agreement you will get signed is an entity that is worthless. It is completely on my word only. If you believe I know how to get paid AND that in the event I get paid that I would honor our agreement then we are good to go. That is the only way I am going to work with you. Trust me or no go. If its no I respect that but don't want to hear why. In the interests of time.

Thanks hope to speak to you this weekend.

You can call my 917-604-2000 or
+79852310002 (moscow cell)

[Quoted text hidden]

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

- - - - - X

JOSHUA BERNSTEIN,

Plaintiff,

- against -

Index No:

02579/09

BAYROCK GROUP, LLC,

Defendant.

- - - - - X

11 Martine Avenue

White Plains, New York

March 8, 2010

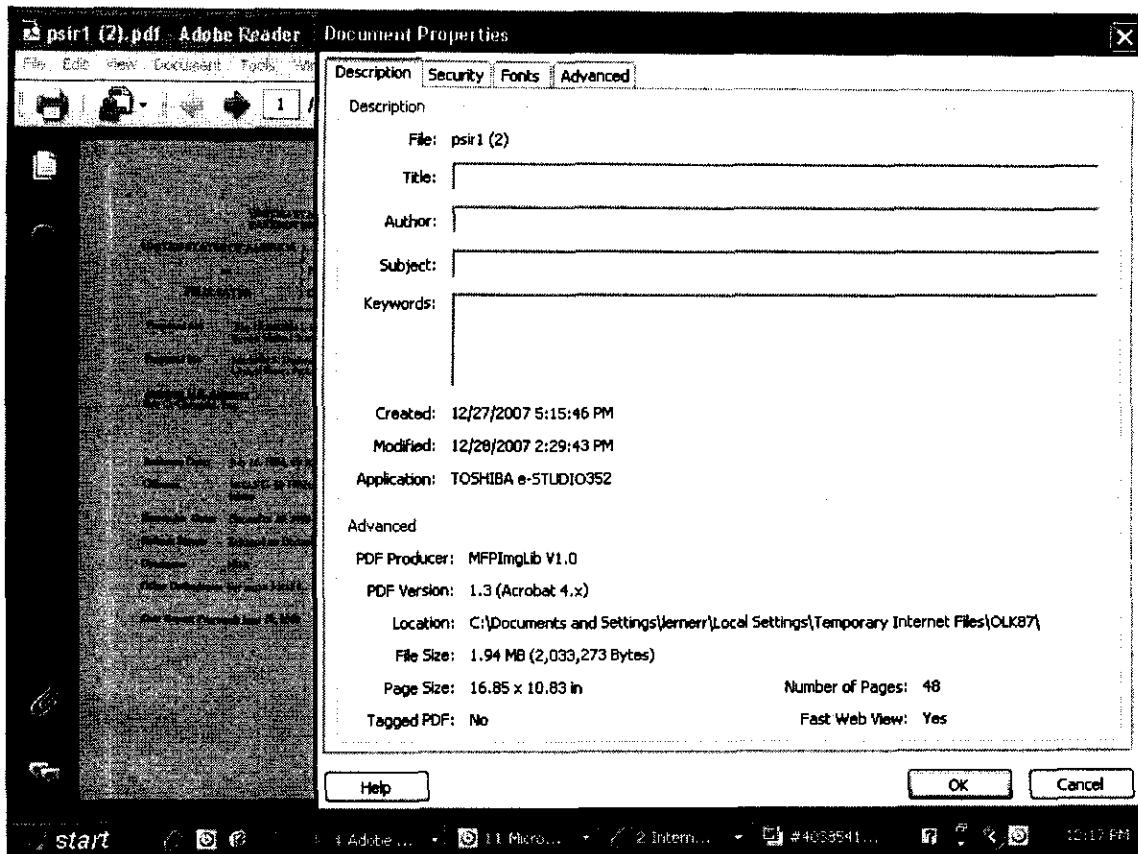
10:04 a.m.

EXAMINATION BEFORE TRIAL OF
JOSHUA BERNSTEIN, the Plaintiff herein,
taken by an attorney for the Defendant,
pursuant to Notice and Order, held at the
above place and time before Apryl S.
Montero, a Stenotype Reporter and Notary
Public within and for the State of New
York.

* * * *

<p style="text-align: right;">Page 194</p> <p>1 A. Most do, yes.</p> <p>2 Q. Did you ever take that hard</p> <p>3 drive, download any of it for any reason</p> <p>4 whatsoever?</p> <p>5 MR. OBERLANDER: Compound</p> <p>6 question. Objection.</p> <p>7 Q. Did you ever take out that</p> <p>8 hard drive physically?</p> <p>9 A. No.</p> <p>10 Q. Did you ever download</p> <p>11 portions of the hard drive?</p> <p>12 A. I believe so.</p> <p>13 Q. Could you explain that when,</p> <p>14 how, what did you download, for what</p> <p>15 purpose?</p> <p>16 A. At the direction of Felix</p> <p>17 Satter I downloaded regularly files from</p> <p>18 that hard drive and the server.</p> <p>19 Q. What drives, what files?</p> <p>20 Particular files or groups of files?</p> <p>21 A. Groups, various.</p> <p>22 Q. What directions did Felix</p> <p>23 give you as far as --</p> <p>24 A. To keep them offsite, an</p>	<p style="text-align: right;">Page 196</p> <p>1 It's September 8, 2008, on page 11?</p> <p>2 A. Yes.</p> <p>3 Q. And on page 12 did you</p> <p>4 receive another one from him on</p> <p>5 September 4th -- these may be -- I tried</p> <p>6 to keep them chronological, but I see</p> <p>7 that September 4th comes after September</p> <p>8 8th. "Where are you?"</p> <p>9 A. Yes.</p> <p>10 Q. So both on September 4th and</p> <p>11 September 8th he, Felix, asked you where</p> <p>12 you were?</p> <p>13 A. Sure, which he would</p> <p>14 regularly send to the employees who</p> <p>15 worked for him, including Dan Ridloff,</p> <p>16 and we'd correspond about where we were</p> <p>17 at the time.</p> <p>18 Q. And on September 4th on</p> <p>19 page 13 he says, "Where are you? Answer</p> <p>20 now."</p> <p>21 Did you receive that?</p> <p>22 A. Yes.</p> <p>23 Q. Does that indicate to you</p> <p>24 that he was impatient to hear from you?</p>
<p style="text-align: right;">Page 195</p> <p>1 archival copy as much of the server as I</p> <p>2 could. This was on or about December 17,</p> <p>3 2007, I think well before, when he was</p> <p>4 afraid that the firm was going to screw</p> <p>5 him, that he wouldn't be able, you know,</p> <p>6 to make his profits of his half of the</p> <p>7 ownership of the firm.</p> <p>8 Q. And did you follow his</p> <p>9 instructions?</p> <p>10 A. Yes.</p> <p>11 Q. So you downloaded files from</p> <p>12 what computers or what servers?</p> <p>13 A. There was only one active</p> <p>14 server within the firm.</p> <p>15 Q. What files?</p> <p>16 A. Various e-mail files.</p> <p>17 Q. Of whose?</p> <p>18 A. Of various users.</p> <p>19 Q. Okay. I'm going to ask you</p> <p>20 about that in a couple of minutes. I</p> <p>21 want to finish with this exhibit.</p> <p>22 Please turn to page 11. Did</p> <p>23 you receive an e-mail from Felix Satter</p> <p>24 on September 8th saying, "Where are you?"</p>	<p style="text-align: right;">Page 197</p> <p>1 A. Yes, because I was sleeping</p> <p>2 at this time.</p> <p>3 Q. You were in Europe?</p> <p>4 A. Yes.</p> <p>5 Q. Let's go back to the --</p> <p>6 THE WITNESS: Can I take a</p> <p>7 break, a bathroom break.</p> <p>8 MR. DOMB: Sure.</p> <p>9 (Whereupon, a short recess</p> <p>10 was taken.)</p> <p>11 MR. DOMB: Let's mark the</p> <p>12 next exhibit. I think it's a</p> <p>13 multipage exhibit which I've</p> <p>14 numbered 1 through 24.</p> <p>15 MR. OBERLANDER: Off the</p> <p>16 record.</p> <p>17 (Whereupon, a discussion was</p> <p>18 held off the record.)</p> <p>19 (Whereupon, Defendant's</p> <p>20 Exhibit S, a 24-page document, was</p> <p>21 marked for identification as of</p> <p>22 this date.)</p> <p>23 Q. Exhibit S.</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 222</p> <p>1 \$200,000, not \$100,000, in connection 2 with the Loehmann's deal?" 3 A. No. 4 Q. Did you write an e-mail to 5 Tevfik Arif saying that you expected to 6 be paid the equivalent of a broker, a 7 broker's fee on the Loehmann's deal, 8 which would be about million dollars? 9 A. No. Tevfik Arif did not 10 have e-mail. 11 Q. Did you write such an e-mail 12 to anyone else at the company to let them 13 know what deal that you say he had 14 promised you? 15 A. No. They were all verbal. 16 Q. Now, getting back, you said 17 you took paper files and you also took 18 some electronic files with you when you 19 left Bayrock? 20 A. Yes. 21 Q. What other electronic files? 22 A. Backup files of my e-mail 23 and anything else that was available on 24 my computer.</p>	<p style="text-align: right;">Page 224</p> <p>1 items. 2 Q. Containing the same items? 3 A. I believe so. 4 Q. And what was in it 5 generally -- 6 Did you go through a similar 7 process where you selected what to put in 8 there, or did you just download large 9 numbers of files indiscriminantly? 10 A. Indiscriminantly. 11 Q. What period of time? 12 A. From approximately 13 December 2007 to the end of my 14 employment. 15 Q. Well, were you able to 16 download things through September 16th or 17 through some date earlier when you were 18 in the office? 19 A. Through September 16th. 20 Q. So we discussed before that 21 for some reason unknown to me and unknown 22 to Bayrock, four months of e-mails from 23 your sent box couldn't be found at 24 Bayrock.</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. Well, did you have a backup 2 file of all your e-mails, incoming and 3 out-going? 4 A. No. 5 Q. How did you -- 6 What is in that backup 7 file -- well, let me withdraw that. 8 Whatever you took in a 9 backup file do you still have it, from 10 Bayrock? 11 A. Yes. 12 Q. So it hasn't changed, you 13 haven't deleted things from it? 14 A. I don't believe so. 15 Q. So you still have that -- 16 Is it in a thumb drive? 17 What kind of a -- 18 A. Portable hard drive, thumb 19 drive. 20 Q. And you still have it in the 21 same condition containing the same items 22 that it had before you left Bayrock? 23 A. Hard to answer the question, 24 the condition or containing the same</p>	<p style="text-align: right;">Page 225</p> <p>1 Are they in your backup 2 drives that you've maintained all this 3 time? 4 A. I don't believe so. 5 Q. Why not? 6 A. Because I don't believe they 7 are there. 8 Q. But you, it was the 9 intention when you left Bayrock to 10 download all these files and put them 11 into this portable hard drive; correct? 12 A. Correct. 13 Q. So you didn't get them 14 either? Just like Bayrock doesn't have 15 them you don't have them either? 16 A. I don't believe so. 17 Q. Do you have any explanation 18 for where they are or what happened to 19 them? 20 A. Yes. Bayrock deleted them. 21 Q. Well, the period -- 22 That's your belief. Do you 23 have any -- 24 A. That's my belief.</p>



Proffer1.pdf - Adobe Reader

File

Document Properties

Description Security Fonts Advanced

Description

File: Proffer1

Title:

Author:

Subject:

Keywords:

Created: 12/26/2007 4:02:34 PM

Modified: 12/27/2007 4:43:20 PM

Application: TOSHIBA e-STUDIO352

Advanced

PDF Producer: MFPImLib V1.0

PDF Version: 1.3 (Acrobat 4.x)

Location: C:\Documents and Settings\kernerr\Local Settings\Temporary Internet Files\OLK87\

File Size: 113.90 KB (116,631 Bytes)

Page Size: 8.35 x 10.83 in

Number of Pages: 4

Tagged PDF: No

Fast Web View: Yes

SATERPRF.A

his attorney
Derek Acke
Office, to
the Eastern
and 30, 19

FS Office, the
or at sent
except in
justice, o

use informa
the purpos
may be use
Office; and
the Office
evidence ob
of cross-e
evidence o
client at a

start

Adobe ... 11 Micro... 2 Intern... #4036541...

12:43 PM

Proffer (2).pdf - Adobe Reader

File Edit View Window Help

1 / 4 79.8% Find

Document Properties

Description Security Fonts Advanced

Description

File: Proffer (2)

Title:

Author:

Subject:

Keywords:

Created: 12/26/2007 4:02:34 PM

Modified:

Application: TOSHIBA e-STUDIO352

Advanced

PDF Producer: MFPImLib V1.0

PDF Version: 1.3 (Acrobat 4.x)

Location: C:\Documents and Settings\lemerr\Local Settings\Temporary Internet Files\OLK87\

File Size: 110.10 KB (112,746 Bytes)

Page Size: 8.35 x 10.83 in

Number of Pages: 4

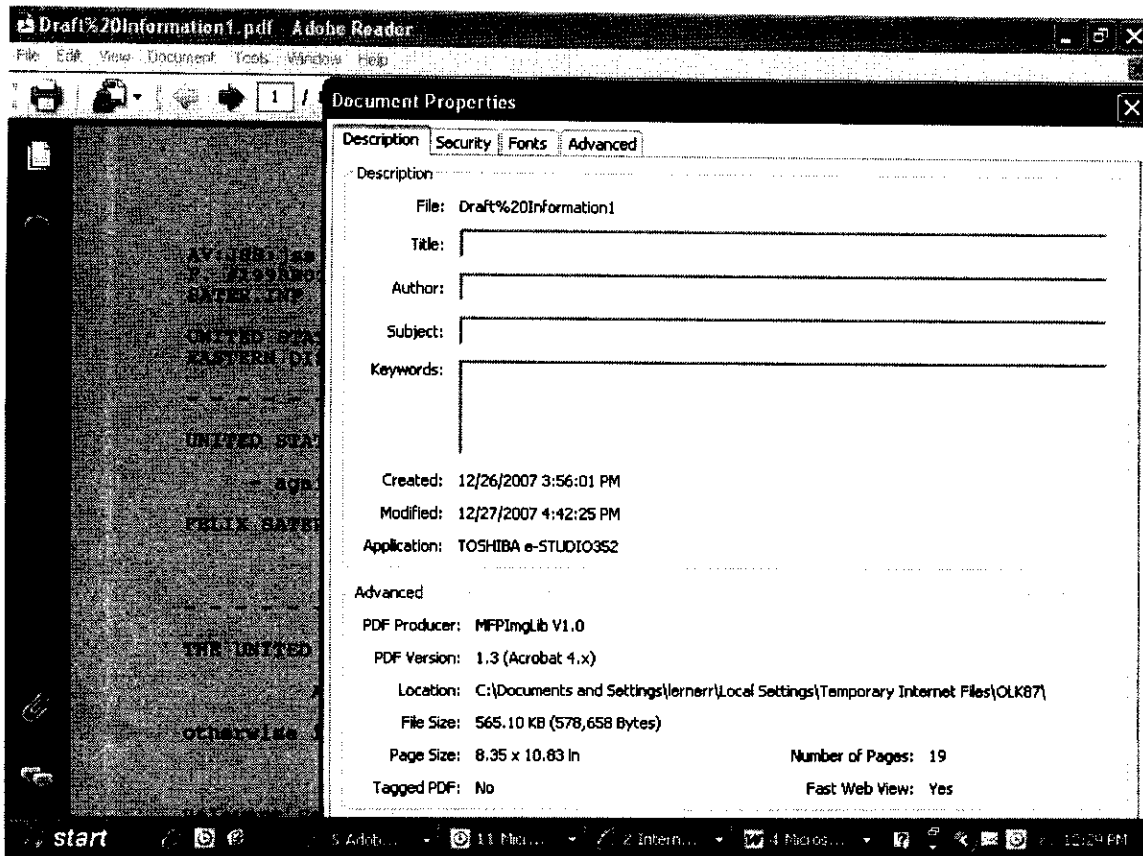
SATERPRF.A

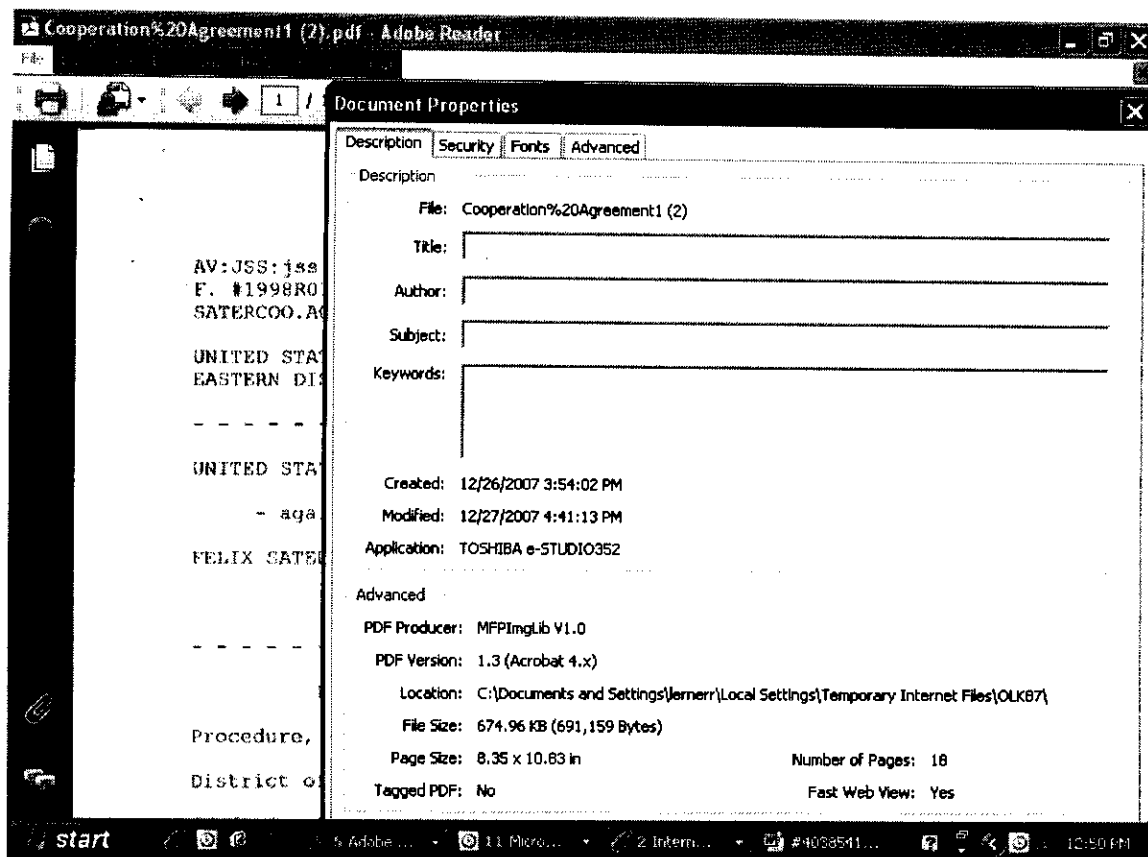
his attorney
Derek Acke
Office, to
the Eastern
and 30, 19

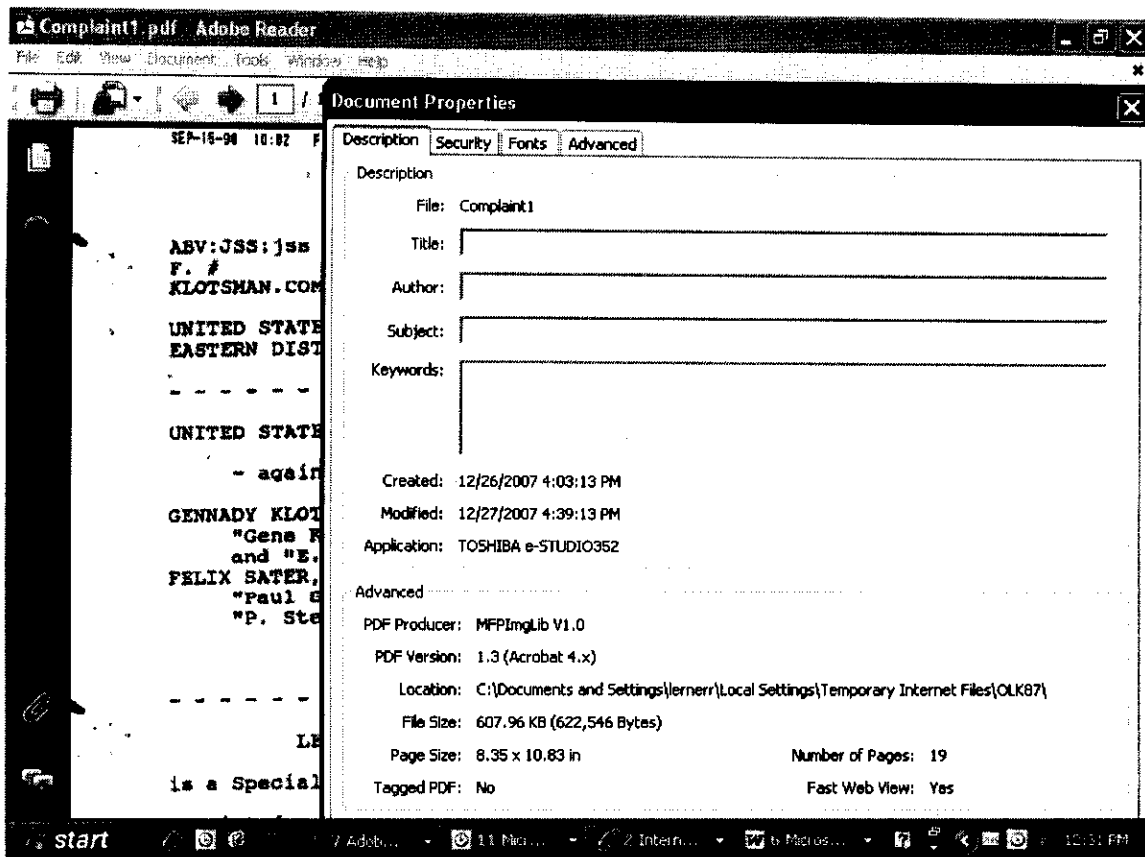
F.S. Office, the
or at sent
except in
justice, o

use informa
the purpos
may be use
Office; and
the Office
evidence ob
of cross-e
evidence of
Client at a

start 5 Adobe ... 11 Micro... 2 Intern... #4038541... 10:49 PM







**Similar Models:****e-STUDIO202L**

20 pages per minute
64k monthly volume

e-STUDIO232

23 pages per minute
74k monthly volume

e-STUDIO237

23 PPM (LT/LG/LD) pages
per minute
74,000 monthly volume

e-STUDIO281c

11 Color / 28 B&W pages
per minute
100k monthly volume

e-STUDIO282

28 pages per minute
90k monthly volume

e-STUDIO351c

11 Color / 35 B&W pages
per minute
150k monthly volume

e-STUDIO352

35 pages per minute
120k monthly volume

e-STUDIO451c

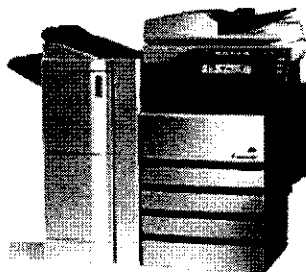
11 Color / 45 B&W pages
per minute
150k monthly volume

e-STUDIO452c

11 Color / 45 B&W pages
per minute
150k monthly volume

Toshiba e-STUDIO 352 Copier**Toshiba E-Studio 352 Copier**

- 35 ppm Digital Multifunction Copier
- 2,400 x 600 dpi Network Print Resolution
- Fast 50 opm Network Scanning & Scan to Email
- 33.6Kbps Dual Line Fax
- 120,000 Monthly Copy Volume



**Toshiba E-Studio 352
Copier**

[Download PDF here.](#)

Custom Copier Features

Copy Features
Access Codes
Alteration
Annotation
AMS/APS (RADF & Original Glass)
Auto Job Start
Auto Cassette Change
Auto Trayless Duplex
Auto Energy Saver
Auto Sleep Mode
Cover Sheet
Dual Page Copying
Edge Erase
e-Filing
Electronic Sort
Energy Saver
Image Shift
Interrupt Memory
Job Templates
Job Reservation (Scan Ahead) - 5 Jobs
Magazine Sort (Booklet Making Mode)
Mirror Image
Negative/Positive
Page Numbering
Sheet Insertion
Text, Text/Photo & Photo Modes
Weekly Timer
X-Y Zoom
2-in-1, 4-in-1, 8-in-1 Copy Modes

Print Features
Cover Page
DocMon - Document Monitoring Utility
Duplex Printing
Magazine Sort

Options

Scan Features
Scan to File
Scan to FTP
Scan to Email
Scan to e-Filing
Scan to Twain
Scan to Internet Fax

Fax Features
Address Book (1,000 Addresses)
Automatic Redial (Up to 14 Times)
Broadcasting (Max. 1,000 Destinations)
Chain Dialing
Delayed Transmission
Double Sided Scanning and Reception
Dual Access
Group Dialing (Max. 200 Groups/400 Destinations/Group)
Optional Second Line
PC/LAN Faxing
Polling
Priority Transmission
Public Mailbox (F-Code)
TX/RX Reporting

Client Support

[Service Request](#)

[Supply Request](#)

[Drivers & Downloads](#)



**" THE SOUL
NEVER THINKS
WITHOUT
AN IMAGE. "**

-ARISTOTLE



Mixed Size Printing
Private Print
Proof Printing
Saddle-Stitch/Booklet Mode
Scheduled Print
Sheet Insertion
Stapled Sets
Store to e-Filing
TopAccess Device Management
Watermark Print

©2009 NSDI Toshiba Copiers, Fax Machines, Printers and Scanners Wheat Ridge Colorado

303.552.5100



E-mail

Serving all of the Denver Metro Front Range of Colorado Including: Denver, Denver Tech Center, Aurora, Parker, Castle Rock, Lone Tree, Englewood, Littleton, Highlands Ranch, Downtown, Wheat Ridge, Northglenn, Lakewood, Arvada, Brighton, Boulder, Greenwood Village, Louisville.

BUSINESSWEEK: NOVEMBER 9, 1998

FINANCE: INVESTIGATIONS

THE CASE OF THE GYM BAG THAT SQUEALED

An accidental find in New York tips the Feds to a stock scam

It was the kind of oversight that is, usually, pretty harmless. A "Marina Shap" failed to pay the rent on her cubicle at Manhattan Mini-Storage in the SoHo section of New York. When the manager opened the bin last January, however, he found an intriguing assortment of knickknacks: Two 9-millimeter pistols, a 12-gauge shotgun, and, the FBI asserts in a court filing, "various documents in a box and gym bag."

The fluke discovery of the guns was hardly earth-shattering in gun-happy New York. But the documents drew the attention of the FBI's Russian organized crime squad. According to a sealed criminal complaint filed with the U.S. District Court in Brooklyn and obtained by BUSINESS WEEK, the FBI maintains that the mini-storage document trove sets forth a tale of stock manipulation and money laundering. Allegedly involved are more than 30 foreign shell companies and bank accounts that, the complaint maintains, were used to launder the proceeds from illegal stock sales during 1994 and 1995.

MONEY LAUNDERING. The feds are charging that the stock scheme involves two individuals—Gennady "Gene" Klotsman and Felix Sater—who they say ran a now-defunct micro-cap brokerage, White Rock Partners & Co., which later changed its name to State Street Capital Markets. Both are charged with stock manipulation and money laundering. The lawyer listed in the court docket as Klotsman's attorney, Michael W. Kahn, did not respond to a request for comment. Klotsman was arrested in September and is in custody. Efforts to reach Sater were unsuccessful.

The stock targeted in the complaint was a Bala Cynwyd (Penn.) company called Holly Products Inc. The company makes electronic components for casino equipment, among other things, and was the subject of a public offering by White Rock in late 1994. Its share price was elevated through 1995 but swiftly plummeted, down 96% over the past year to a recent price of 3 cents. The feds do not charge any involvement by officials of Holly, whose most recent phone listing is inactive. According to the FBI, Sater and Klotsman manipulated Holly and other shares in a "pump and dump" scheme, and then laundered the proceeds.

According to the complaint, the scheme began when Klotsman and Sater secretly acquired large blocks of stock for offshore corporations they controlled. The FBI maintains that the two men inflated share prices by under-the-table payoffs to brokers at White Rock and other firms, pegged to sales volume. The two men's profits, \$10 million according to the complaint, then went through a trans-national money laundry.

According to the feds, the money that came in from hapless investors was sent on a round-the-world tour--to the Netherlands Antilles and Switzerland, and then to Israel, Luxembourg, the Netherlands, Ireland, the Channel Islands, and the U.S. The feds say that Sater and Klotsman sometimes used phony names--and sometimes did not--which evidently made the FBI's job easier.

The prosecution of Klotsman and Sater bears strong similarities to the prosecution of New York jeweler Aleks Paul--who is not charged in this case (BW--Aug. 10). Paul was arrested in July and charged with engaging in a money-laundering scheme for White Rock. Paul pleaded not guilty, and his lawyer says he is vigorously fighting the charges.

One issue raised by the Klotsman/Sater complaint is the possibility that the FBI may be probing ties to Russian organized crime--which has long been believed to be enmeshed in the world of shady micro-cap brokers. The FBI agent handling the Klotsman/Sater case, Leo Taddeo, belongs to the FBI's Russian organized crime squad. Sources familiar with the Paul case say the FBI is also probing possible Russian and Italian mob links in the Paul investigation. Paul's lawyer, Benjamin Brafman, denies knowledge of any mob probe.

If indeed the feds are pursuing mob ties, they need more than lucky breaks like unpaid mini-storage bills. They need confidential informants familiar with the operations of these firms. And the complaints in both cases indicate that they've got several. Perhaps one of them, someday, will answer this question: Who owned those two 9-millimeter pistols and that 12-gauge shotgun? And what was he or she planning to do with them?

By Gary Weiss in New York